

SUPERFUND

Fact Sheet

COMMENCEMENT BAY NEARSHORE/TIDEFLATS - HYLEBOS WATERWAY
Tacoma, Washington



U S ENVIRONMENTAL PROTECTION AGENCY REGION 10

October 1999

This fact sheet announces a 30-day public comment period on a proposed settlement agreement between the U.S. Environmental Protection Agency (EPA) and 18 parties. The comment period runs from October 26 to November 24, 1999.

Public Comment Period

The public is invited to comment on a proposed settlement agreement between EPA and the parties listed in the box on this page. The proposed agreement, called a federal consent decree, would settle certain liabilities of these parties under the Superfund law for portions of the Commencement Bay Nearshore/Tideflats Superfund Site.

This fact sheet is being distributed to notify the affected community and to invite public comment on the proposal. Written comments should refer to United States v. Bay Chemical Company, et al., No. C-995521 (RJB), DOJ Ref. #90-11-2-06010. Comments should be sent by November 24, 1999 to:

Assistant Attorney General
Environment & Natural Resources Division
U.S. Department of Justice
Post Office Box 7611
Washington, D.C. 20044-7611

The parties to the agreement, also called the defendants, include:

Bay Chemical Company (and related entities)
Kathryn M. Swinehart
Barbara Allen
Cenex Agriculture
Lone Star NW, Inc.
Mintercreek Development
Nordlund Boat Company
Nordlund Properties, Inc.
Norman Nordlund
Phyllis Nordlund
Ryder Truck Rental
Streich Brothers
Vance Lift Truck Services, Inc.
Ole & Charlie's High & Dry Co.
Donald S. and Barbara L. Olson
Charles P. and Patricia Curran
Molly E. Barry
Kay E. Olson

The U.S. Department of Justice (DOJ), which represents EPA in matters before the court, has filed the proposed consent decree in federal district court. Prior to approval of this agreement, however, the consent decree must be subject to 30 days of public comment. After reviewing the public comments, DOJ will determine whether to ask the court to enter the consent decree.

Copies of the proposed consent decree are available for review at the following locations:

Tacoma Public Library, Main Branch
1102 Tacoma Avenue South
Northwest Room
Tacoma, Washington

Citizens for a Healthy Bay
917 Pacific Avenue, Suite 406
Tacoma, Washington

Environmental Protection Agency
Superfund Records Center
1200 Sixth Avenue, 7th Floor
Seattle, Washington

Information is also available in the Federal Register dated October 26, 1999 (64 Fed. Reg. 57653).

Summary of Proposed Consent Decree

The consent decree is a legal document which resolves the defendants' liability under Superfund for sediment cleanup in the Hylebos Waterway, part of the Commencement Bay Nearshore/Tideflats Site.

The defendants all participated in a private allocation effort in which a neutral allocator was hired to review information about all properties and parties believed to have contributed hazardous substances to the Hylebos Waterway. Through the allocation process, the allocator identified parties whose volume of hazardous substances was minor. The allocator also concluded how much the parties should pay towards EPA's

past response costs for studies and how much they should pay for cleanup. EPA reviewed the allocator's reports and information it possessed on each party and their activities associated with the Hylebos Waterway.

Based on current information, EPA has determined that the contribution of hazardous substances from facilities owned or operated by the defendants to the Hylebos Waterway is minimal in comparison to other sources of contamination. None of the defendants currently own or operate properties or facilities that have contaminated marine sediments requiring remediation, nor are any of the defendants or their properties ongoing contributors of contamination to the Hylebos Waterway.

The defendants will pay EPA \$762,086 to resolve their liability for past and future costs in the Hylebos Waterway. Of the money received through the settlement, EPA will be reimbursed \$354,200 for costs it has paid to study the Hylebos Waterway, and \$407,886 will be placed in a special account that will be available to conduct or finance future cleanup of the Hylebos Waterway.

The settlement does not resolve the defendants' liability for natural resource damages or for other waterway problem areas in the Commencement Bay Nearshore/Tideflat Site. Additionally, the settlement requires the defendants to provide access to their properties and cooperate fully with parties performing necessary studies, monitoring, and remedial actions and to implement any necessary land or water use restrictions required to carry out remedial action or protect the remedy that is put in place.



Site Background

The Commencement Bay Nearshore/Tideflats Superfund Site is located on the eastern shore of Puget Sound in Tacoma, Washington. Encompassing about 12 square miles, the site was added to Superfund's National Priorities List in 1983. Since then, EPA and the Washington State Department of Ecology have completed an investigation of the sediment contamination and sources of contamination to the Bay. A combination of upland source control, sediment confinement, natural recovery, site use restrictions, and monitoring has been selected as the most appropriate remedy for achieving cleanup objectives.

For More Information

For more information, contact one of the following individuals:

Allison Hiltner, EPA Project Manager
206/553-2140 or 1-800-424-4372 x2140
email: hiltner.allison@epa.gov

Jeanne O'Dell, EPA Community Involvement Coordinator
206/553-6919 or 1-800-424-4372 x6919
email: odell.jeanne@epa.gov

Or, visit EPA's Commencement Bay Nearshore/Tideflats Web Site at:
<http://epainotes1.rtpnc.epa.gov:7777/r10/cleanup.nsf/webpage/Commencement+Bay-Nearshore+Tideflats>
or
<http://www.epa.gov>

To request additional services for persons with disabilities, call 1-800-424-4EPA.



United States
Environmental Protection
Agency

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Seattle WA 98101

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